

**ASSEMBLY BILL**

**No. 636**

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**Introduced by Assembly Member Medina**

February 24, 2015

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An act to amend Section 67380 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as introduced, Medina. Postsecondary education: student safety.

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing boards of postsecondary educational institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of specified crimes and noncriminal acts reported to campus police, campus security personnel, campus safety authorities, or designated campus authorities. Existing law requires any report by a victim of a Part 1 violent crime, sexual assault, or hate crime, as defined, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the appropriate local law enforcement agency without identifying the victim, unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld. Existing law prohibits a report to a local law enforcement agency from identifying the alleged assailant if the victim does not consent to being identified.

This bill would authorize the identification of the alleged assailant, even if the victim does not consent to being identified, if the institution determines that the alleged assailant represents a serious and ongoing threat to the safety of persons or the institution and the immediate assistance of police is necessary to contact or detain the assailant.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 67380 of the Education Code is amended  
2 to read:

3 67380. (a) Except as provided in subparagraph (B) of  
4 paragraph (6), the governing board of each community college  
5 district, the Trustees of the California State University, the Board  
6 of Directors of the Hastings College of the Law, the Regents of  
7 the University of California, and the governing board of any  
8 postsecondary educational institution receiving public funds for  
9 student financial assistance shall do all of the following:

10 (1) Require the appropriate officials at each campus within their  
11 respective jurisdictions to compile records of both of the following:

12 (A) All occurrences reported to campus police, campus security  
13 personnel, or campus safety authorities of, and arrests for, crimes  
14 that are committed on campus and that involve violence, hate  
15 violence, theft, destruction of property, illegal drugs, or alcohol  
16 intoxication.

17 (B) All occurrences of noncriminal acts of hate violence reported  
18 to, and for which a written report is prepared by, designated campus  
19 authorities.

20 (2) Require any written record of a noncriminal act of hate  
21 violence to include, but not be limited to, the following:

22 (A) A description of the act of hate violence.

23 (B) Victim characteristics.

24 (C) Offender characteristics, if known.

25 (3) (A) Make the information concerning the crimes compiled  
26 pursuant to subparagraph (A) of paragraph (1) available within  
27 two business days following the request of any student or employee  
28 of, or applicant for admission to, any campus within their respective  
29 jurisdictions, or to the media, unless the information is the type of  
30 information exempt from disclosure pursuant to subdivision (f) of

1 Section 6254 of the Government Code, in which case the  
2 information is not required to be disclosed. Notwithstanding  
3 subdivision (f) of Section 6254 of the Government Code, the name  
4 or any other personally identifying information of a victim of any  
5 crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d,  
6 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal  
7 Code shall not be disclosed without the permission of the victim,  
8 or the victim's parent or guardian if the victim is a minor.

9 (B) For purposes of this paragraph and subparagraph (A) of  
10 paragraph (1), the campus police, campus security personnel, and  
11 campus safety authorities described in subparagraph (A) of  
12 paragraph (1) shall be included within the meaning of "state or  
13 local police agency" and "state and local law enforcement agency,"  
14 as those terms are used in subdivision (f) of Section 6254 of the  
15 Government Code.

16 (4) Require the appropriate officials at each campus within their  
17 respective jurisdictions to prepare, prominently post, and copy for  
18 distribution on request, a campus safety plan that sets forth all of  
19 the following: the availability and location of security personnel,  
20 methods for summoning assistance of security personnel, any  
21 special safeguards that have been established for particular facilities  
22 or activities, any actions taken in the preceding 18 months to  
23 increase safety, and any changes in safety precautions expected to  
24 be made during the next 24 months. For purposes of this section,  
25 posting and distribution may be accomplished by including relevant  
26 safety information in a student handbook or brochure that is made  
27 generally available to students.

28 (5) Require the appropriate officials at each campus within their  
29 respective jurisdictions to report information compiled pursuant  
30 to paragraph (1) relating to hate violence to the governing board,  
31 trustees, board of directors, or regents, as the case may be. The  
32 governing board, trustees, board of directors, or regents, as the  
33 case may be, shall, upon collection of that information from all of  
34 the campuses within their jurisdiction, transmit a report containing  
35 a compilation of that information to the Legislative Analyst's  
36 Office no later than January 1 of each year and shall make the  
37 report available to the general public on the Internet Web site of  
38 each respective institution. It is the intent of the Legislature that  
39 the governing board of each community college district, the  
40 Trustees of the California State University, the Board of Directors

1 of the Hastings College of the Law, the Regents of the University  
2 of California, and the governing board of any postsecondary  
3 educational institution receiving public funds for student financial  
4 assistance establish guidelines for identifying and reporting  
5 occurrences of hate violence. It is the intent of the Legislature that  
6 the guidelines established by these institutions of higher education  
7 be as consistent with each other as possible. These guidelines shall  
8 be developed in consultation with the Department of Fair  
9 Employment and Housing and the California Association of Human  
10 Relations Organizations.

11 (6) (A) Notwithstanding subdivision (f) of Section 6254 of the  
12 Government Code, require any report made by a victim or an  
13 employee pursuant to Section 67383 of a Part 1 violent crime,  
14 sexual assault, or hate crime, as described in Section 422.55 of the  
15 Penal Code, received by a campus security authority and made by  
16 the victim for purposes of notifying the institution or law  
17 enforcement, to be immediately, or as soon as practicably possible,  
18 disclosed to the local law enforcement agency with which the  
19 institution has a written agreement pursuant to Section 67381  
20 without identifying the victim, unless the victim consents to being  
21 identified after the victim has been informed of his or her right to  
22 have his or her personally identifying information withheld. If the  
23 victim does not consent to being identified, the alleged assailant  
24 shall not be identified in the information disclosed to the local law  
25 enforcement ~~agency.~~ *agency, unless the institution determines that*  
26 *the alleged assailant represents a serious and ongoing threat to*  
27 *the safety of persons or the institution and the immediate assistance*  
28 *of police is necessary to contact or detain the assailant.* The  
29 requirements of this paragraph shall not constitute a waiver of, or  
30 exception to, any law providing for the confidentiality of  
31 information.

32 (B) This requirement only applies as a condition for participation  
33 in the Cal Grant Program established pursuant to Chapter 1.7  
34 (commencing with Section 69430) of Part 42.

35 (b) Any person who is refused information required to be made  
36 available pursuant to subparagraph (A) of paragraph (1) of  
37 subdivision (a) may maintain a civil action for damages against  
38 any institution that refuses to provide the information, and the  
39 court shall award that person an amount not to exceed one thousand

1 dollars (\$1,000) if the court finds that the institution refused to  
2 provide the information.

3 (c) For purposes of this section:

4 (1) “Hate violence” means any act of physical intimidation or  
5 physical harassment, physical force or physical violence, or the  
6 threat of physical force or physical violence, that is directed against  
7 any person or group of persons, or the property of any person or  
8 group of persons because of the ethnicity, race, national origin,  
9 religion, sex, sexual orientation, gender identity, gender expression,  
10 disability, or political or religious beliefs of that person or group.

11 (2) “Part 1 violent crime” means willful homicide, forcible rape,  
12 robbery, or aggravated assault, as defined in the Uniform Crime  
13 Reporting Handbook of the Federal Bureau of Investigation.

14 (3) “Sexual assault” includes, but is not limited to, rape, forced  
15 sodomy, forced oral copulation, rape by a foreign object, sexual  
16 battery, or the threat of any of these.

17 (d) This section does not apply to the governing board of a  
18 private postsecondary educational institution receiving funds for  
19 student financial assistance with a full-time enrollment of less than  
20 1,000 students.

21 (e) This section shall apply to a campus of one of the public  
22 postsecondary educational systems identified in subdivision (a)  
23 only if that campus has a full-time equivalent enrollment of more  
24 than 1,000 students.

25 (f) Notwithstanding any other provision of this section, this  
26 section shall not apply to the California Community Colleges  
27 unless and until the Legislature makes funds available to the  
28 California Community Colleges for the purposes of this section.